

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BUBBLE GUM PRODUCTIONS, LLC,	)	
	)	
Plaintiff,	)	Case Number: 1:12-cv-00595
	)	
v.	)	Hon. Joan H. Lefkow
	)	
DOES 1 – 37,	)	
	)	
Defendants.	)	

**JOHN DOE 3’S MOTION TO DISMISS, OR IN THE ALTERNATIVE,  
TO SEVER DEFENDANTS AND QUASH SUBPOENA**

Movant John Doe 3, one of the individuals whose identity will be revealed to Plaintiff Bubble Gum Productions, LLC (“BGP”) by Mediacom Communications (“Mediacom”), an Internet Service Provider (“ISP”), in the present case in the absence of this Motion, respectfully moves this Honorable Court to dismiss the present action in its entirety, or in the alternative, to sever from this action all Defendants except one and quash any outstanding subpoenas relating to any of the severed Defendants. In support of this Motion, John Doe 3 states as follows:

Movant has been informed by Mediacom that the ISP’s records link Movant with an Internet Protocol (“IP”) address which is the subject of a subpoena in the present action. The IP address in question is 173.29.134.13, which allegedly was used during a session on January 12, 2012. This is the 3rd IP address listed in Exhibit A to the Complaint (Dkt. 1-1), hence the Movant’s self-identification as John Doe 3.<sup>1</sup> In the absence of the present Motion, John Doe 3 will be identified by name and contact information to BGP. John Doe 3 wishes to maintain its

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<sup>1</sup> Movant believes that these facts place it in the position of a Defendant in this action, obviating the need for leave to file this Motion as a non-party under Local Rule 5.6. To the extent that the Court determines such leave is required, however, Movant respectfully requests it.

anonymity, and has identified a number of grounds why Mediacom should not be forced to reveal its identity.

The present action is improper because it attempts to misjoin dozens of individual Defendants without alleging that they participated in the same transaction, occurrence, or series of transactions or occurrences. Therefore, this Court should sever from the action all John Doe Defendants except the single Defendant identified by the first IP address in Exhibit A to the Complaint, and quash any outstanding subpoenas relating to any of the severed Defendants, including Movant, John Doe 3.

Further discussion and argument in support of this Motion are set forth in the accompanying Memorandum of Law in support of this Motion.

Respectfully submitted,

JOHN DOE 3

Dated: April 9, 2012

By: s/ Scott R. Kaspar

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*Attorneys for Defendant*  
*JOHN DOE 3*

**CERTIFICATE OF SERVICE**

I, Scott R. Kaspar, an attorney, hereby certify that on April 9, 2012, I caused to be filed electronically **JOHN DOE 3'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO SEVER DEFENDANTS AND QUASH SUBPOENA** with the Clerk of the Court using the CM/ECF system, which will send an electronic copy of the foregoing to all counsel of record and constitutes proper service under Fed. R. Civ. P. 5(b)(2)(D) pursuant to L.R. 5.9 of the Northern District of Illinois.

/s/ Scott R. Kaspar